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Attorneys for Defendant
DURK BANKS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES,

Plaintiff,

v.

DURK BANKS,

Defendant.

Case No. 2:24-cr-00621-MWF

**DEFENDANT DURK BANKS'
REQUEST FOR A STATUS
HEARING REGARDING
EXTENDED SHU DETENTION
WITHOUT PROCESS**

Hearing

Date: January 7, 2026

Time: 10:00 a.m.

Courtroom: 5A

Judge: Hon. Michael W. Fitzgerald

Defendant Durk Banks, through his attorneys, Drew Findling, Marissa Goldberg, Jonathan M. Brayman, and Christy O'Connor, hereby files this request for a brief status hearing regarding Mr. Bank's 4.5-month detention in the Segregated Housing Unit

1 (“SHU”) without the proper process.

2
3 Respectfully submitted,

4
5 Dated: January 6, 2026

6 BY: /s/ Christy O’Connor

7 Drew Findling

8 Marissa Goldberg

9 Jonathan M. Brayman

10 Christy O’Connor

11 *Attorneys for Durk Banks*

DECLARATION OF COUNSEL

I, Christy O'Connor, state and declare the following:

1. I am an attorney licensed to practice in this District, and I am one of the attorneys representing Durk Banks in the instant matter.

2. Since August 29, 2025, Mr. Banks has been confined to the Segregated Housing Unit ("SHU") at the Metropolitan Detention Center. In the SHU, Mr. Banks is confined to a very small jail cell, just large enough for a single bed, a toilet, and a sink, for 23 hours a day. He does not have access to commissary. He is permitted one phone call a month, and no in-person social visits.

3. The original cause of his SHU placement was an allegation that he was in possession of an unauthorized Apple Watch.

4. Since August 29, 2025, Mr. Banks has not received the process that is prescribed by law where an inmate is accused of an infraction. *See* 28 CFR § 541.7 (providing that the Unit Discipline Committee ("UDC") will ordinarily review the incident report within five work days after it is issued, and the UDC will make a decision regarding an appropriate disposition and sanction); § 541.8 (outlining process by which UDC may refer disciplinary hearing to Disciplinary Hearing Officer).

5. Mr. Banks' defense team has received conflicting explanations for his extended SHU detention without process. For example, in October, an attorney for MDC told us that Mr. Banks' high-profile/celebrity status is not the cause of his SHU detention. Then on December 22, the Warden represented to us that "[Mr. Banks'] presence in the general population poses a threat to the security and orderly running of the institution due to the high profile nature of Mr. Banks' pending criminal case and possible violation of BOP's disciplinary program." This is despite Mr. Banks' eleven-month presence in the general population, prior to August 29, without any incident whatsoever caused by his celebrity status or the high-profile nature of his case.

1 6. Additionally, both MDC’s attorneys and the Warden have told us that the
2 Segregation Review Official has been conducting a monthly Segregation Review,
3 where Mr. Banks has been present. Based on the information I’ve gathered through
4 weekly visits with Mr. Banks over the past 4.5 months, I believe this to be false. Based
5 on my observations and my monitoring of the situation, the first time that Mr. Banks
6 has been offered the opportunity to be present at a Segregation Review was just last
7 week, after I sent the Warden and MDC attorney a discovery request regarding these
8 alleged monthly meetings.

9 7. In response to our inquiries, the government has provided us with an
10 internally-inconsistent explanation for Mr. Banks’ extended SHU detention. On one
11 hand, the government tells us that “Mr. Banks’ continued placement in the SHU is not
12 based on the FBI’s investigation (or the USO’s charging decision)” regarding the Apple
13 Watch. On the other hand, the government tells us that “the BOP is waiting to institute
14 disciplinary proceedings related to the Apple Watches¹ based on our charging decision .
15 . . .” Both of these statements cannot be true. Either the process to which Mr. Banks is
16 entitled has been delayed, and his stay extended, due to the government’s ongoing
17 investigation, or it has not.

18 8. The deleterious effects of extended solitary confinement on an inmate’s
19 psychological well-being are well-documented. *See* Reiter et. al., *Psychological*
20 *Distress in Solitary Confinement: Symptoms, Severity, and Prevalance in the United*
21 *States, 2017-2018*, AMERICAN PUBLIC HEALTH ASSOCIATION, January 2020,
22 <https://pmc.ncbi.nlm.nih.gov/articles/PMC6987940/> (scientific study reveals “clinically
23 significant symptoms of depression, anxiety, or guilt,” “disproportionately high rates of
24 serious mental illness and self-harming behavior,” and “social isolation, loss of identity,
25 and sensory hypersensitivity” versus inmates in general population). Because of this,
26

27 ¹ At the time Mr. Banks is alleged to have been found with an Apple Watch,
28 another neighboring inmate was also alleged to have been in possession of an Apple
Watch.

1 Mr. Banks' defense team has a growing concern that his prolonged solitary
2 confinement may implicate the Eighth Amendment's prohibition on "cruel and unusual
3 punishment." U.S. CONST. amend. VIII.

4 9. I believe that a brief status hearing is necessary to ensure that Mr. Banks
5 does not continue to languish in SHU without the process he has been owed for the past
6 131 days.

7 10. The government has informed me that it takes no position on this request
8 for a status hearing.

9 I declare under penalty of perjury that the foregoing is true and correct to the best
10 of my knowledge and belief.

11 Dated: January 6, 2026

By /s/ Christy O'Connor

Christy O'Connor